

The Examiner has rejected Claims 1, 2, 4, 5, 8; and 9, all currently pending Claims of the application, under 35 U.S.C. § 103 as obvious from Applicant's disclosed prior art and Klaue. The Examiner states that "Applicant's disclosed Prior Art fails to disclose that the reinforced concrete section is formed as a single prefabricated part and each transition piece extends rigidly and in essential horizontally between the top booms of the lattice girders of the concrete slabs; wherein the lattice girders are fixedly attached to each other by welding and wherein the transitions piece is a flat rod or round rod; and wherein the concrete sections being situated in a position in which they are standing on two of their longitudinal edges and the space between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete." The Examiner says that it would be obvious from Klaue for a person skilled in the art to modify applicant's disclosed prior art to fill in all of the listed failures to achieve applicant's claimed reinforced concrete section for producing foundations. To reach this conclusion, the Examiner says that "Klaue teaches prefabricated spaced building plates (20) with horizontally extending round rod transition pieces (7) connecting lattice points (22) and the fixedly attaching them by welding (Klaue: col. 3, lines 31-35) and wherein the concrete sections being situated in a position in which they are standing on two of the their longitudinal edges and the space between the concrete slabs of the reinforced concrete sections is filled with site-mixed concrete (Klaue: col. 1, lines 35-40 and col. 3, lines 6-22)." However, applicant does not agree that the Examiner correctly characterizes Klaue's teachings or that Klaue's teachings makes applicant's claimed concrete section obvious.

Initially, applicant does not agree that Klaue teaches prefabricated spaced building plates (20) with horizontally extending round rod transition pieces (7) connecting lattice points (22) and the fixedly attaching them by welding. In this connection, the Examiner makes reference to

Klaue: col. 3, lines 31-35. Those lines, however, refer to and describe the embodiment of Fig. 6 of Klaue. They state that "In the embodiment of Fig. 6, plates 9 and 10 are interconnected by wires 11 and 12 which are formed in a continuous wave formation and connected to respective plates at the top of the loop formation such as by welding." It is obvious from Fig. 6 that the plates 9 and 10 are not the same wall plates as shown in Figs. 1-4 and 7 that are connected by rods 7. They are more like the wall plates 30 and 32 shown in Fig. 5. Fig. 5 is described (col. 3, lines 23-31) as "an alternate embodiment which comprises a single composite plate generally designated 28 formed such as by casting, and which comprises spaced vertical plate wall portions 30 and 32 interconnected by integrally formed ribs 34. The outer surfaces of the plates 30 and 32 are formed with hooked projections 36 such as for anchoring the wall structure into position and for attaching additional building facture elements." Figs. 5 and 6 do not show the nature of the wall sections 30 and 32 in Fig. 5, and wall sections 9 and 10 in Fig. 6. However, they clearly are not the wall sections of Figs. 1-4 and 7. In Fig. 5 such wall section can be cast integrally with ribs 34, and in Fig. 6, since wire 11 and 12 is welded to walls 9 and 10, such walls 9 and 10 have to be made of weldable metal. Figs. 5 and 6 show the single composite plate design of Klaue. Figs. 5 and 6 do not suggest connecting two concrete sections together. The section of Klaue referenced by the Examiner does not teach anything about the connection of rods 7 to building plates 20.

In connection with rods 7, Klaue teaches that for the embodiments of Figs. 1-4 and 7, opposing wall sections are connected by connecting elements 7 having hooks at each end which are hooked into appropriate loops 3. Rods 7 are taught (col. 3, lines 14-16) as having hooks at their ends that are hooked into loops 3. There is no teaching or suggestion that rods 7 are welded or otherwise fixedly attached to loops 3 or otherwise fixedly attached to the wall sections.

Further, with the constructions of Figs. 1-4 and 7, the wall sections are connected together by rods 7 at the construction site, see col. 1, lines 37-40 "it is possible to readily erect the plate elements at spaced locations and thereafter fill the space between the plate elements with concrete." See also col. 1, lines 57-68 "two such insulating boards are arranged at spaced locations with the eyelets in opposed relationship. Thereafter, the boards are interconnected by diagonally positioned bracing rods which have hooked ends which engage in the eyelet formations on the insulating wall boards." In addition, Klaue teaches that his wall sections are insulating wall sections made of an insulating material such as burnt clay balls, adhesive or concrete material (col. 3, lines 2-3). This concrete material is not indicated specifically as just concrete. The teachings of Klaue do not suggest or make obvious applicant's fixed connection of two pre-cast concrete floor elements that are supplied to the construction site as a single prefabricated part as recited by applicant's claims. Further, it does not suggest welding of the transition pieces as recited in Claim 2.

A further significant consideration is that Klaue teaches a wall construction, not a foundation construction. As indicated, Klaue teaches that his wall sections are insulating wall sections made of an insulating material such as burnt clay balls, adhesive or concrete material. This concrete material is not indicated specifically as a structural concrete as would be used in floor elements, but as an insulating material similar to burnt clay balls. There is no suggestion and it is not obvious that wall elements would be satisfactory to use in making a building foundation and there is no suggestion that wall elements could be used for making building foundations. In addition, the Examiner states that Klaue teaches concrete sections being situated in a position in which they are standing on two of their longitudinal edges". However, being wall sections, it would seem that the wall sections would be set on their short edges to extend

vertically upwardly to form a wall. That is the impression given by Figs. 1-10 of Klaue. Thus, Klaue's wall sections are not situated in a position in which they are standing on two of their longitudinal edges as recited in Claims 5, 8, and 9.

Klaue does not suggest or make obvious the rigid connection of two separate pre-existing pre-cast reinforced concrete elements into a single prefabricated part for use in producing building foundations, and further, Klaue's wall sections with eyelets extending therefrom do not suggest or make obvious the rigid connection of two separate pre-existing pre-cast concrete elements each having at least one lattice girder attached thereto by a rigid connection of the lattice girders with rigidly attached transition pieces. Applicant's claims should be allowable.

Please charge any additional fees due, or deposit any overpayments, to Deposit Account No. 13-1175 of the undersigned.

Respectfully,

MALLINCKRODT & MALLINCKRODT

A handwritten signature in black ink, appearing to read "Robert R. Mallinckrodt", written over a horizontal line.

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August 10, 2004  
Salt Lake City, UT  
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